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U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

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14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA
16 WESTERN DIVISION

17 MAURICIO CHAVEZ, Individually and
18 on Behalf of All Others Similarly
19 Situated,

20 Plaintiffs,

21 vs.

22 NESTLÉ USA, Inc., a Delaware
23 Corporation and DOES 1 through 100,

24 Defendants.

25 No. 09-9192 RSWL (CWx)
26 CLASS ACTION COMPLAINT
27 JURY TRIAL DEMANDED
28

CLASS ACTION COMPLAINT

1 Plaintiff Mauricio Chavez (hereinafter, “Plaintiff”), a California resident, brings
2 this class action complaint against Defendant Nestlé USA, Inc. (hereinafter “Nestlé”)
3 and Does 1-100 (hereinafter referred to collectively as “Defendants”), individually
4 and on behalf of a class of all others similarly situated, pursuant to Rule 23 of the
5 Federal Rules of Civil Procedure, who purchased Defendants’ Juicy Juice Immunity
6 and/or Brain Development beverages at any time from April 2009 to the present (the
7 “Relevant Period”). Plaintiff’s allegations against Defendants are based upon
8 information and belief, except for allegations specifically pertaining to him, which are
9 based upon personal knowledge.

10 I. JURISDICTION AND VENUE

11 1. This Court has jurisdiction over this class action under 28 U.S.C.
12 §1332(d), which, under the provisions of the Class Action Fairness Act (“CAFA”),
13 provides for the original jurisdiction of the federal courts of any class action in which
14 any member of the Class is a citizen of a State different from the defendant, and in
15 which the matter in controversy exceeds in the aggregate the sum of \$5,000,000,
16 exclusive of interest and costs. Plaintiff seeks certification of a class of all persons
17 who purchased Juicy Juice Immunity and Brain Development beverages from April
18 2009 to the present. Such persons reside in the 50 United States and the District of
19 Columbia. Defendants are citizens of California and/or Delaware. The amount in
20 controversy, exclusive of interest and costs, exceeds \$5 million.

21 2. The Court has personal jurisdiction over Defendants because each is a
22 corporation or partnership that has sufficient minimum contacts in California or
23 otherwise intentionally avails itself of the California market through its marketing and
24 sales of the products in the State of California and/or by having such other contacts
25 with California so as to render the exercise of jurisdiction over it by the California
26 courts consistent with traditional notions of fair play and substantial justice.

1 3. Venue is proper pursuant to 28 U.S.C. § 1391(a) because a substantial
2 part of the events or omissions giving rise to the claim occurred in this District and
3 because the Court has personal jurisdiction over Defendants.

4 4. No other forum would be more convenient for the parties and witnesses
5 to litigate this action.

6 5. California law applies to all claims set forth in this Complaint as
7 Defendant Nestlé is a California resident and all of the misconduct alleged herein was
8 contrived, implemented, and has a shared nexus within California.

9 **II. NATURE OF ACTION**

10 6. Defendants market and sell Juicy Juice, a brand of juices and juice
11 concentrates geared toward children. The U.S. headquarters of Nestlé is located in
12 Glendale, California.

13 7. Defendants claim that Juicy Juice is made from 100% juice with no
14 added sugars, sweeteners, preservatives or artificial flavors.

15 8. Defendants advertise, market, promote and sell specific lines of Juicy
16 Juice beverages commonly known as Juicy Juice Brain Development (“Brain
17 Development”) and Juicy Juice Immunity (“Immunity”).

18 9. Juicy Juice Immunity and Brain Development beverages are packaged in
19 “Tetra Prisma” containers, which are purported to “maintain the potency of [the]
20 added nutrients,” and sold to consumers for a substantially higher price (20% to 30%
21 higher) than Nestlé’s other Juicy Juice beverages.

22 10. Defendants, in the advertising, marketing, promotion and sale of Juicy
23 Juice Immunity and Brain Development beverages, have engaged in misleading,
24 fraudulent, unfair and deceptive business practices as Defendants have (a) misled
25 consumers by deceptively marketing the Brain Development and Immunity beverages
26 through Nestlé’s well-known Juicy Juice brand, which is advertised and marketed as
27 being 100% fruit juice, despite the fact that both the Brain Development and
28 Immunity beverages contain only 70% juice; (b) misled and deceived consumers by

1 promoting and promising boosted immunity and increased digestive health from the
2 inclusion of minute quantities of zinc and prebiotic fiber and a typical amount of
3 vitamin C in Juicy Juice Immunity beverage; (c) misled and deceived consumers by
4 promoting and promising brain development from the inclusion of minute quantities
5 of docosahexaenoic acid (“DHA”) in Juicy Juice Brain Development beverage; and
6 (d) misrepresenting to consumers that Juicy Juice Immunity and Juicy Juice Brain
7 Development beverages are packaged in containers that provide superior maintenance
8 of potency.

9 11. As a result of the foregoing misrepresentations and omissions,
10 Defendants are able to sell Juicy Juice Immunity and Juicy Juice Brain Development
11 beverages for substantially more than the other Juicy Juice and comparable products.

12 12. Plaintiff and the consumer class reasonably relied upon Defendants’
13 representations regarding Juicy Juice Immunity and Juicy Juice Brain Development
14 beverages’ health benefits in purchasing these products. Plaintiff and the consumer
15 class were not aware the quantities of supplements added to the products were
16 insignificant and provided no benefit as represented. Plaintiff and the consumer class
17 have therefore been injured by Defendants’ unfair and deceptive conduct.

18 13. By these acts, Defendants have violated and are in violation of Cal. Bus.
19 & Prof. Code § 17200 *et. seq.*; Cal. Bus. & Prof. Code § 17500; and Cal. Civ. Code
20 §1709.

21 14. Accordingly, Plaintiff seeks damages to compensate class members for
22 consuming more and/or paying higher prices for Juicy Juice Immunity and Brain
23 Development beverages than they would have but for Defendants’ false and
24 misleading advertising, marketing, promotion and sales practices described herein.
25 Plaintiff also seeks, among other relief, an order enjoining Defendants’ acts of unfair
26 competition and false and misleading advertising.

III. PARTIES

15. Plaintiff Mauricio Chavez resides in San Diego County and is a citizen of the State of California. Plaintiff brings this action individually and on behalf of those similarly situated. During the Relevant Period, Plaintiff purchased Juicy Juice Immunity and Brain Development beverages in San Diego County for consumption by his children, and, in doing so, relied upon false and misleading statements that were prepared by and/or approved by the Defendants and their agents and disseminated through these products' packaging, labeling, marketing materials and advertising media.

16. Defendant Nestlé is organized and existing under the laws of Delaware, with its corporate headquarters and principal place of business located at 800 North Brand Boulevard, Glendale, CA 91203. Nestlé is a citizen of either California and/or Delaware. Nestlé was and is doing business within this Judicial District. According to an October 7, 2002 investor presentation, Nestlé generated \$11 billion in sales in 2001, with the beverages division accounting for \$1.3 billion, or 8.4% of sales. According to the report, Juicy Juice accounted for \$415 million in sales.

17. Defendant Does 1 through 100 are (a) persons, including, but not limited to, employees of Nestlé or (b) entities, including, but not limited to subsidiaries, affiliates, manufacturers, distributors and/or their alter egos, whose true names and capacities are presently unknown to Plaintiff, and who therefore are sued by such fictitious names. Plaintiff is informed and believes, and on that basis alleges, that each of the fictitiously named Defendants perpetrated some or all of the wrongful acts alleged herein and are responsible in some manner for the matters alleged herein. Plaintiff will amend this complaint to state the true names and capacities of such fictitiously named Defendants when ascertained.

18. The term "Defendants," as used herein, is defined to mean the Defendant named in paragraph 16 and all Defendant Does 1 through 100.

1 19. At all times herein mentioned, each Defendant was the agent, servant,
 2 employee, co-conspirator and/or joint venturer of each of the other Defendants. In
 3 doing the things alleged in the causes of action stated herein, each and every
 4 Defendant was acting within the course and scope of this agency, employment,
 5 conspiracy, and/or joint venture, and was acting with the consent, permission and
 6 authorization of each of the other Defendants. All actions of each Defendant, as
 7 alleged in the causes of action stated herein, were ratified, approved and/or authorized
 8 by every other Defendant with full knowledge of such acts. Defendants are thus
 9 jointly and severally liable for such actions.

10 20. Defendants, upon becoming involved with the manufacture, distribution,
 11 advertising, marketing and sale of Juicy Juice Immunity and Brain Development
 12 beverages knew or should have known that Defendants' claims regarding Juicy Juice
 13 Immunity and Brain Development beverages, including, but not limited to, claims
 14 regarding these products' effect on immunity or brain development, were false and
 15 misleading.

16 21. Defendants have been aware that they, individually and/or collectively,
 17 do not possess requisite scientific evidence to substantiate Defendants' claims
 18 regarding Juicy Juice Immunity and Brain Development beverages, including, but not
 19 limited to, claims regarding these products' effect on immunity or brain development.

20 22. Defendants affirmatively misrepresented, among other things, the effect
 21 of Juicy Juice Immunity and Brain Development beverages on immunity and brain
 22 development in order to convince the public to purchase and use these products.

23 **IV. CLASS ALLEGATIONS**

24 23. Plaintiff brings claims pursuant to Federal Rule of Civil Procedure 23
 25 individually and on behalf the following nationwide consumer class (the "Class"):

26 All purchasers of Nestlé's Juicy Juice Immunity and/or Brain
 27 Development beverages from April 2009 to present. Specifically
 28 excluded from this Class are Defendants; the officers, directors or
 employees of Defendants; any entity in which Defendants have a

1 controlling interest; and any affiliate, legal representative, heir or assign
2 of Defendants; also excluded are any federal, state or local governmental
3 entities, any judicial officer presiding over this action and the members
4 of his/her immediate family and judicial staff, and any juror assigned to
this action.

5 24. The Class is sufficiently numerous, as it includes thousands of persons
6 who have purchased Juicy Juice Immunity and/or Brain Development beverages.
7 Thus, joinder of such persons in a single action or bringing all members of the Class
8 before the Court is impracticable for purposes of Rule 23(a)(1) of the Federal Rules of
9 Civil Procedure. The disposition of the Class members' claims in this class action
10 will substantially benefit both the parties and the Court.

11 25. The Class is readily ascertainable through Defendants' business records.
12 Notice can be provided to Class members by publication of notice by internet, radio,
13 newspapers and magazines.

14 26. There are questions of law and fact common to the Class for purposes of
15 Federal Rule of Civil Procedure 23(a)(2). Defendants' advertising, marketing,
16 labeling and promotional practices were supplied uniformly to all members of the
17 Class, so that the questions of law and fact are common to all members of the Class.
18 All Class members were and are similarly affected by having purchased Juicy Juice
19 Immunity and/or Brain Development beverages for their intended and foreseeable
20 purpose as promoted, marketed, advertised, packaged and labeled by Defendants as
21 set forth in detail herein, and the relief sought herein is for the benefit of Plaintiff and
22 other members of the Class.

23 27. Plaintiff asserts claims that are typical of the claims of the entire Class for
24 purposes of Federal Rule of Civil Procedure 23(a)(3). Plaintiff and all Class members
25 have been subjected to the same wrongful conduct because they have purchased Juicy
26 Juice Immunity and/or Brain Development beverages that do not possess the benefits
27 that Defendants represent. Plaintiff and the Class have thus all overpaid for Juicy
28

1 Juice Immunity and/or Brain Development beverages and/or purchased Juicy Juice
2 Immunity and/or Brain Development beverages that they otherwise would not have.

3 28. Plaintiff will fairly and adequately represent and protect the interests of
4 the other Class members for purposes of Federal Rule of Civil Procedure 23(a)(4).
5 Plaintiff has no interests antagonistic to those of other Class members. Plaintiff is
6 committed to the vigorous prosecution of this action and has retained counsel
7 experienced in litigation of this nature to represent him. Plaintiff anticipates no
8 difficulty in the management of this litigation as a class action.

9 29. Class certification is appropriate under Federal Rule of Civil Procedure
10 23(b)(2) because Defendants have acted on grounds that apply generally to the Class,
11 so that final injunctive relief or corresponding declaratory relief is appropriate
12 respecting the Class as a whole. Defendants' advertising, marketing, labeling and
13 promotional practices were supplied uniformly to all members of the Class.

14 30. Class certification is appropriate under Federal Rule of Civil Procedure
15 23(b)(3) because common questions of law and fact substantially predominate over
16 any questions that may affect only individual members of the Class. Among these
17 common questions of law and fact are:

18 (a) whether Defendants misrepresented or omitted material facts in
19 connection with the promotion, marketing, advertising, packaging, labeling and sale of
20 the Juicy Juice Immunity and Brain Development beverages;

21 (b) whether Defendants represented that Juicy Juice Immunity and
22 Brain Development beverages have characteristics, benefits, uses or qualities that they
23 do not have;

24 (c) whether Defendants knew or should have known that Defendants'
25 claims regarding Juicy Juice Immunity and Brain Development beverages, including,
26 but not limited to, claims regarding these products' effect on immunity or brain
27 development, were false and/or misleading;

28

1 (d) whether Defendants' acts and practices in connection with the
2 promotion, marketing, advertising, packaging, labeling, distribution and sale of Juicy
3 Juice Immunity and Brain Development beverages violated California Business and
4 Professions Code § 17200 *et seq.*, California Business and Professions Code § 17500
5 *et seq.*, and/or Cal. Civ. Code §1709.

6 (e) whether Defendants' acts and practices in connection with the
7 promotion, marketing, advertising, packaging, labeling and sale of the Juicy Juice
8 Immunity and Brain Development beverages unjustly enriched Defendants at the
9 expense of, and to the detriment of, Plaintiff and other Class members; and

10 (f) whether Defendants' conduct, as set forth herein, injured members
11 of the Class and whether they have been damaged by the wrongs complained of
12 herein, and if so, the measure of those damages and the nature and extent of other
13 relief that should be provided.

14 31. Proceeding as a class action provides substantial benefits to both the
15 parties and the Court because this is the most efficient method for the fair and efficient
16 adjudication of the controversy. Class members have suffered and will suffer
17 irreparable harm and damages as a result of Defendants' wrongful conduct. Because
18 of the nature of the individual Class members' claims, few, if any, could or would
19 otherwise afford to seek legal redress against Defendants for the wrongs complained
20 of herein, and a representative class action is therefore appropriate, the superior
21 method of proceeding, and essential to the interests of justice insofar as the resolution
22 of Class members' claims is concerned. Absent a representative class action, Class
23 members would continue to suffer losses for which they would have no remedy, and
24 Defendants would unjustly retain the proceeds of their ill-gotten gains. Even if
25 separate actions could be brought by individual members of the Class, the resulting
26 multiplicity of lawsuits would cause undue hardship, burden and expense for the
27 Court and the litigants, as well as create a risk of inconsistent rulings which might be
28

dispositive of the interests of the other Class members who are not parties to the adjudications and/or may substantially impede their ability to protect their interests.

V. ALLEGATIONS OF FACT

32. Juicy Juice is a well-known brand of juices and juice concentrates geared toward children and sold in the United States by Defendants. Prior to March 2006, it was known as Libby's Juicy Juice, but is now labeled with the Nestlé parent brand.

33. Juicy Juice is characterized by Defendants as follows:

For over 25 years, Nestlé JUICY JUICE® has helped parents raise healthy kids by providing them with a wide variety of nutritious 100% juice options. All NESTLÉ JUICY JUICE products are made from 100% real fruit juice, providing an excellent source of Vitamin C with no added sugars or artificial flavors. With 13 flavors and 3 forms to choose from, NESTLÉ JUICY JUICE has the widest variety of flavors of any 100% juice product. JUICY JUICE balances the wholesome goodness of real fruit and a delicious taste that will make your child smile with every glass.

<http://www.Nestléusa.com/PubOurBrands/BrandDetails.aspx?lbid=C6DB59AC-D1FB-4FEB-9F38-75256B68E818> (last accessed December 10, 2009.)

34. An October 7, 2002 Nestlé investor presentation slide deck indicates that Juicy Juice accounted for \$415 million of Nestlé USA's beverage division sales, or over 30%.

35. The same investor presentation slide deck states the following regarding the U.S. beverage units' initiatives regarding Juicy Juice:

- | | | |
|------------------|---|---|
| Strategy: | - | Establish Juicy Juice as mom's only juice choice for exceptional child development |
| | - | Increase price premium and realize significant operational savings (Ocean Spray) to further improve EBITA |
| Actions: | - | Evolve advertising to be both emotional and functional |

- Increase penetration via direct marketing to moms as infants transition to toddlers

<http://www.Nestlé.com/Resource.axd?Id=4AA74488-A1E2-4BBE-BFFB-8F997B63C72A> (last accessed December 10, 2009.)

36. The investor presentation also lists “Leverage Juicy Juice’s nutritional halo” as an “Opportunity” in “Kid’s beverage brands.”

37. In April 2009, Defendants indeed leveraged Juicy Juice’s “nutritional halo” with the launch of two new products, Juicy Juice Immunity and Juicy Juice Brain Development.

38. In the April 6, 2009 press release announcing the launch, Defendants stated:

GLENDAL, Calif., April 6 (FoodBizDaily) -- Nestlé Juicy Juice is premiering two products designed to benefit children during different stages of their growth and development. Juicy Juice Brain Development and Juicy Juice Immunity are fruit juice beverages made with natural ingredients, fortified with important nutrients and blended with filtered water to naturally lower the sugar and calorie content.

Juicy Juice Brain Development is the only children’s fruit juice beverage on the market currently offering DHA, which makes it a great first juice beverage choice for 1-2 year-olds. DHA acts as a building block for brain development during a child’s first two years of life⁽¹⁾, when their brains triple in size, and experts often recommend infant formula fortified with DHA for children who are not breastfeeding (breast milk is a natural source of DHA)⁽²⁾. During this important developmental phase, Juicy Juice Brain Development, which contains 16mg of DHA per serving, is designed to provide children who are old enough to drink juice (according to recommendations by the American Academy of Pediatrics)⁽³⁾ with continued DHA in their diet.

Juicy Juice Immunity helps support a healthy immune and digestive system by offering beneficial nutrients, including zinc, vitamin C and prebiotic fiber. Both vitamin C and zinc are essential nutrients in a child’s everyday diet, as neither can be produced by the body and must be replenished on a regular basis. Fiber is also highly important in a child’s diet. In fact, according to The Dietary Guidelines for Americans,

1 the dietary intake of fiber for children may be low enough to be of
2 concern for children and adolescents.⁽⁴⁾ Children three to five years old
3 consume only 11.4 grams of fiber a day on average, while the
4 recommended amount is 25 grams per day.⁽⁵⁾ Juicy Juice Immunity is
5 one of the few juice beverages targeted towards children that contains
6 prebiotic fiber. It is a good source of fiber and contains three grams per
serving, which is equivalent to the amount found in a medium-sized
apple.⁽⁶⁾

7 “Important nutrients such as DHA and prebiotic fiber are often difficult
8 to incorporate into a child’s diet, particularly after a child has finished
9 breastfeeding or drinking formula, and before they are able to eat a full
10 spectrum of food,” said Dr. Yinka Davies, M.D. “Juicy Juice Brain
11 Development and Juicy Juice Immunity are additional resources for
parents to incorporate much needed nutrients into their child’s diet, while
still giving them the great tasting fruit juice beverages that they love.”

12 Like all Juicy Juice products, Juicy Juice Brain Development and Juicy
13 Juice Immunity are made with all-natural fruit juice and no added sugars,
14 preservatives or artificial flavors or colors. What is unique about these
15 new Juicy Juice products is that the juices are blended with filtered water
16 (70 percent juice, 30 percent water), which results in fewer calories and a
17 reduced amount of naturally occurring sugars. The reduction of sugar
18 and calories through dilution, coupled with essential nutrient
19 enhancement, make Juicy Juice Brain Development and Juicy Juice
Immunity a unique and convenient option in the children’s beverage
category.

20 “Juicy Juice recognized the need for a beverage that accommodated
21 mom’s priorities related to her child’s diet,” said Victoria Nuevo-
22 Celeste, Nestlé Juicy Juice Marketing Manager. “Juicy Juice Brain
23 Development and Juicy Juice Immunity offer excellent value for mom.
They provide important nutrients while also helping mom control her
child’s calorie and sugar intake.”

24 New Juicy Juice Brain Development is available in Apple and Grape,
25 and New Juicy Juice Immunity is available in Apple and Berry. Both
26 beverages are sold in 33.8 fluid ounce (1 liter) Tetra cartons and can be
27 found in the juice aisle of grocery stores across the United States. Juicy
28 Juice Brain Development and Juicy Juice Immunity are shelf stable
products, and the suggested retail price is \$2.99. For more information,

1 please visit <http://www.juicyjuice.com/Brain-Development-And-Immunity/Default.aspx>.

3 About Nestlé USA

4 Named one of “America’s Most Admired Food Companies” in Fortune
5 magazine for the eleventh consecutive year, Nestlé USA provides quality
6 brands and products that bring flavor to life every day. From nutritious
7 meals with Lean Cuisine(R) to baking traditions with Nestlé(R) Toll
8 House(R), Nestlé USA makes delicious, convenient, and nutritious food
9 and beverage products that enrich the very experience of life itself.
10 That’s what “Nestlé. Good Food, Good Life” is all about. Nestlé USA,
11 with 2007 sales of \$8.25 billion, is part of Nestlé S.A. in Vevey,
12 Switzerland - the world’s largest food company - with sales of \$90
13 billion. For product news and information, visit Nestléusa.com or
14 NestléNewsroom.com.

12 (1). Al MDM, Hornstra G. Long-chain polyunsaturated fatty acids,
13 pregnancy, and pregnancy outcome. Am J Clin Nutr.
14 2000;71(suppl):285S-291S.

15 (2). Innis SM. Dietary omega 3 fatty acids and the developing brain.
16 Brain Res. 2008. Sep. 9;35-43.

17 (3). Committee on Nutrition. The use and misuse of fruit juice in
18 pediatrics. Pediatrics. 2001;107(5):1210-1213.

19 (4). U.S. Department of Health and Human Services and U.S.
20 Department of Agriculture. Dietary Guidelines for Americans, 2005. 6th
21 Edition, Washington, DC: U.S. Government Printing Office, January
22 2005.
23 <http://www.health.gov/dietaryguidelines/dga2005/document/html/chapter2.htm>

24 (5). Niklas TA, Hayes D. Position of the American Dietetic Association:
25 Guidance for health children age 2 to 11 years. J Am Diet
26 Assoc.2008;108:1037-1047.

27 (6). U.S. Department of Agriculture, Agricultural Research Service.
28 2008. USDA National Nutrient Database for Standard Reference,

1 Release 21. Nutrient Data Laboratory Home Page,
2 <http://www.ars.usda.gov/ba/bhnrc/ndl> (09003, 09206).

3 39. On or around April 2009, Defendants began producing, manufacturing,
4 advertising, packaging, labeling, distributing and selling the Immunity and Brain
5 Development beverages throughout the United States under Nestlé's Juicy Juice
6 product line.

7 40. Since the launch of these products, Defendants have advertised, marketed
8 and labeled the Juicy Juice Immunity and Brain Development beverages in a manner
9 that falsely and deceptively misrepresents to consumers that the Immunity and Brain
10 Development beverages are 100% juice products that provide immune system and
11 brain development benefits that they do not.

12 41. Despite being sold under Nestlé's Juicy Juice label and brand, the
13 Immunity and Brain Development beverages are not 100% fruit juice. The Immunity
14 and Brain Development beverages are juices blended with filtered water – 70% juice,
15 30% water. Defendants' only point-of-sale reference to the substantially reduced juice
16 content is through a small, inconspicuous statement on the side panel of the juice
17 package.

Juicy Juice Brain Development Beverage



42. DHA is an omega-3 fatty acid and is found in cold water fatty fish, seaweed and fish oil supplements. A long chain polyunsaturated fatty acid (“LCPUFA”), DHA is highly concentrated in the phospholipid bilayer of biologically active brain and retinal neural membranes.

43. In recent years, DHA has become a popular infant formula and baby formula additive. Infant formulas with DHA are about 25% more expensive than un-supplemented formula.

44. Current studies show no harmful effects of supplementing infant formula with DHA, and some studies even show some benefits to a child’s visual function

1 and/or cognitive and behavioral development. However, other studies show no
2 difference or improvement in visual function or brain development.

3 45. An article in the *Journal of the American College of Nutrition*, Vol. 22,
4 No. 2, 101-107 (2003), entitled “Efficacy and Safety of Docosahexaenoic Acid and
5 Arachidonic Acid Addition to Infant Formulas: Can One Buy Better Vision and
6 Intelligence?” remarks:

7 After much fanfare in the lay press and aggressive marketing to the
8 families and professionals by appealing at the emotional level that what
9 is in the brain, eyes and human milk must be good, the infant formulas
10 with added LCPUFA are rapidly gaining acceptance. However, it comes
11 with a dramatic increase in the cost of infant formula feeding by up to
12 25%, although there is little evidence that LCPUFA containing infant
13 formula provides clinically significant improved vision and intelligence
14 in healthy infants born at term. The added cost is a significant burden on
15 the family budget and also to public nutrition funding such as the
16 Women, Infants and Children supplemental food program which
17 provides milk feedings to 47% of the infants in USA.

18 46. The American Academy of Pediatrics has yet to take an official stand
19 about whether or not DHA should be added to infant formula.

20 47. There are no DHA-supplemented foods with FDA approval to make any
21 specific health claims about the benefits of DHA supplementation.

22 48. Despite the fact that there is no sound scientific basis - or FDA approval -
23 to do so, Defendants affirmatively represent to consumers in advertising media and
24 marketing materials that Juicy Juice Brain Development beverage enhances brain
25 development because the beverage contains 16 mg of DHA per 4 fl. oz. serving.

26 49. Juicy Juice Brain Development beverage prominently features the phrase
27 “BRAIN DEVELOPMENT” on a large blue banner on the product label.

28 50. The Brain Development beverage packaging deceptively implies to
consumers that consuming the beverage will directly improve brain development by
markedly featuring a distinct pale blue box that contains the statement: “Good to

1 Remember. The human brain triples in volume between birth and two years, so it's
2 never too early to start good nutrition habits."

3 51. The product label also directs consumer to the following websites for
4 additional information: juicyjuice.com and Nestléusa.com

5 52. Defendants' claims on the Brain Development beverage product label,
6 correlating DHA with brain development, is a Structure/Function claim that
7 Defendants cannot substantiate and affirmatively misleads and misinforms consumers
8 because, even if there was a sound scientific link between DHA and brain
9 development, there is an exceedingly small amount of DHA - 16 mg - in a serving of
10 the product.

11 53. Though there is no clear consensus for adequate intake of DHA for
12 infants and children, the World Health Organization ("WHO") has suggested 20mg
13 per kg of body weight per day for infants.

14 54. The average 6-month old weighs approximately 16 lbs, or 7.25 kg. Using
15 the WHO guidelines, the average 6-month old should consume 145 mg of DHA – 9
16 servings, or 36 fl oz of Juicy Juice Brain Development beverage.

17 55. The average 1-year old weighs approximately 22 lbs, or 10 kg. Using the
18 WHO guidelines, the average 1-year old should consume 200 mg of DHA – 12.5
19 servings, or 50 fl oz of Juicy Juice Brain Development beverage.

20 56. Several sources recommend daily intake of at least 200 mg for children
21 2-6 years, which equates to 12.5 servings, or 50 fl oz of Juicy Juice Brain
22 Development beverage.

23 57. The amount of Juicy Juice Brain Development beverage that must be
24 consumed to provide the recommended level of DHA is excessive, a fact confirmed
25 by the Juicy Juice Brain Development website, which states: "While fruit juice
26 beverages can certainly be a part of a healthy and varied diet for your child, the
27 American Academy of Pediatrics (AAP) recommends limiting to 4-6 fl. oz. of fruit
28 juice daily for children ages 1-6."

1 58. Indeed, in the Policy Statement setting forth this recommendation, the
2 AAP states that excessive juice consumption may be associated with malnutrition,
3 diarrhea, flatulence, abdominal distention, and tooth decay.

4 59. The amount of DHA in Juicy Juice Brain Development beverage, 16 mg
5 per serving, is minuscule. In comparison, a 3 oz serving of salmon provides 1600 mg
6 of DHA.

7 60. Furthermore, Defendants deceptively advertise and market Brain
8 Development beverages in the regular juice section of the supermarket, alongside its
9 standard Juicy Juice products - not in the infant and childcare section. Despite this
10 placement, the product labeling contains only a small print disclaimer that the DHA
11 purported to assist brain development is limited only “[i]n children under two years
12 old.” This placement strategy deceptively expands the market for Brain Development
13 beverage.

14 61. Defendants knew that the advertising, marketing and labeling of Juicy
15 Juice Brain Development beverage was false and misleading because (a) whether
16 DHA-supplementation promotes brain development is unclear, and by no means
17 proven; and (b) assuming DHA does provide such a benefit, the amount of DHA
18 provided by a serving of Juicy Juice Brain Development beverage is miniscule.

19 62. Defendants intentionally fail to include any disclaimer on the Brain
20 Development beverage and packaging related to the accuracy of its representations
21 about nutrient content and/or the health benefit claims it affirmatively represents
22 attainable from the amount DHA in each serving of its Brain Development beverage.

Juicy Juice Immunity Beverage



63. Defendants affirmatively represent to consumers that Juicy Juice Immunity supports immunity by the inclusion of 100% of the daily value of vitamin C and 10% of the daily value of zinc per serving and contains enough prebiotic fiber to support digestive health.

64. Prebiotics are non-digestible food ingredients that stimulate the growth and/or activity of bacteria in the digestive system which are beneficial to the health of the body. Traditional dietary sources of prebiotics include soybeans, Jerusalem artichoke, jicama, chicory root, raw oats, unrefined wheat, unrefined barley and yacon.

1 65. Using the term as a marketing tool, without regard to whether it actually
2 delivers any prebiotic benefits, Defendants state on the Juicy Juice Immunity label
3 “PLUS PREBIOTIC FIBER for Digestive Health.”

4 66. Juicy Juice Immunity contains gum arabic. Gum arabic is a natural gum
5 made of hardened sap taken from two species of the acacia tree and is used as, among
6 other things, a thickener in soft drink syrups, hard gummy candies, marshmallows and
7 M&Ms chocolate candies.

8 67. Gum arabic has only recently been shown to have a prebiotic effect and
9 only when 10 g are consumed daily by adults. There has been no specific research
10 with infants or children. The Nutrition Facts panel on Juicy Juice Immunity label
11 indicates that an eight oz serving contains only 3 g of dietary fiber. It is unclear what
12 proportion of this amount is gum arabic.

13 68. Juicy Juice Immunity beverage prominently features the word
14 “IMMUNITY” on a large pink banner on the product container. The container also
15 features the statement: “VITAMIN C & ZINC for Immunity.”

16 69. This product makes structure function claims based on its fortification
17 with vitamin C and zinc. Both of these micronutrients play important roles in immune
18 function. So the claims are “to help support immunity” and “contains C and zinc for
19 immunity.” The product contains 100% DV of vitamin C, like a lot of juices do, but it
20 only contains 10% DV for zinc.

21 70. Defendants’ claims on the Immunity beverage label, correlating vitamin
22 C and zinc with immunity, is a structure/function claim that Defendants cannot
23 substantiate and affirmatively misleads and misinforms consumers because, while
24 both of these play roles in immune function, there is a relatively low amount of zinc –
25 10% Daily Value (“DV”) – in an 8 oz serving of Immunity beverage.

26 71. Moreover, all Juicy Juice products contain the same percentage, 100%
27 DV, or higher, of vitamin C as Juicy Juice Immunity. As such, the statement
28 “VITAMIN C & ZINC for Immunity” on the Immunity label is misleading as it

1 causes consumers to believe that Immunity has a greater amount of vitamin C than
2 standard Juicy Juice.

3 72. The Immunity Beverage does not improve a child's immune system or in
4 any way improve immunity. At all relevant times, Defendants were aware that the
5 Immunity Beverage did not materially improve or support a child's immunity.

6 73. Defendants launched the Immunity Beverage at a time when they were
7 aware of concerns regarding the pandemic H1N1 flu, and misleadingly marketed the
8 beverage to consumers as a way to improve and support their child's immune system.

9 74. Defendants knew that the advertising, marketing and labeling of Juicy
10 Juice Immunity beverage was false and misleading because (a) Immunity contains no
11 more vitamin C than standard Juicy Juice and only 10% DV zinc; and (b) assuming
12 gum arabic does provide a prebiotic benefit, the amount of gum arabic provided by a
13 serving of Juicy Juice Immunity beverage is miniscule.

14 75. Defendants intentionally fail to include any disclaimer on the Brain
15 Development beverage and packaging related to the accuracy of its representations
16 about nutrient content and/or the health benefit claims it affirmatively represents
17 attainable from the amount of DHA in each serving of its Brain Development
18 beverage.

19 **Tetra Prisma Containers**

20 76. An additional false, misleading and deceptive claim that Defendants
21 make relative to the Juicy Juice Brain Development and Immunity beverages is these
22 products are packaged in a superior manner to Juicy Juice's other products,
23 affirmatively representing to consumers that Tetra Prisma packaging is special
24 because it better maintains the "potency of the added nutrients."

25 77. Defendants claim that Juicy Juice Brain Development and Immunity
26 beverages' "sleek 33.8 oz (1-liter) Tetra Prisma containers maintain the potency of the
27 additives in these products, stating on the Juicyjuice.com website:
28

1 JUICY JUICE Brain Development and Immunity Fruit Juice Beverages
 2 come in sleek 33.8 oz (1-liter) Tetra Prisma containers to make pouring
 3 easier and maintain the potency of our added nutrients.

4 <http://www.juicyjuice.com/Products/Brain-Development.aspx> (last accessed
 5 December 10, 2009).

6 78. Defendants falsely and deceptively market and advertise Juicy Juice
 7 Brain Development and Immunity beverages' product packaging as superior in
 8 preserving nutrient content. However, Tetra Prisma containers provide no significant
 9 difference in nutrient retention as compared to other Juicy Juice packaging.

10 **Percent Juice Composition**

11 79. Defendants, through false, misleading and deceptive advertising and
 12 marketing, promote and sell the Brain Development and Immunity beverages through
 13 the Juicy Juice brand and product line, which Defendants have affirmatively and
 14 widely represented to consumers, as a 100% sugar-free juice line. However, yet both
 15 Brain Development and Immunity beverages contain only 70% juice.

16 **Defendants' Marketing and Advertising Practices**

17 80. Defendants' nationwide advertising campaign touting the purported
 18 health benefits of Juicy Juice Brain Development and Immunity beverages has been
 19 massive and comprehensive, conveying the false and misleading statements described
 20 herein to consumers throughout the United States. Defendants conveyed and continue
 21 to convey false and misleading claims regarding Juicy Juice Brain Development and
 22 Immunity beverages primarily through television commercials, but also through other
 23 media, including newspapers, magazines, direct mail, the internet, point of sale
 24 displays, and on the product labels.

25 **The Internet**

26 81. Defendants use the dedicated website, juicyjuice.com, to promote Juicy
 27 Juice products, including but not limited to Juicy Juice Immunity and Juicy Juice
 28 Brain Development.

82. Defendants created a section of juicyjuice.com, juicyjuice.com/Brain-Development-And-Immunity, to exclusively promote Juicy Juice Immunity and Juicy Juice Brain Development.

83. Defendants maintain a section on juicyjuice.com titled “Tips & Articles” which is designed and intended to persuade consumers of the benefits of the Brain Development and Immunity beverages. In fact, stating in part: “[g]et great tips and the latest expert information on how you can help support your child’s early childhood brain development and immune system.”

84. Defendants misrepresent the benefit of the Brain Development beverage by intimating to parents that the product can “help her shine a little more every day,” as set forth on juicyjuice.com:

Juicy Juicy Fruit Juice Beverage is enhanced with DHA, an essential building block for brain development, and comes in delicious apple and grape flavors. So you can help her shine a little more every day.

<http://www.juicyjuice.com/Products/Brain-Development.aspx> (last accessed, December 10, 2009).

85. Defendants maintain a section on juicyjuice.com website titled “Products” and a subsection of “FAQs” that represents the following to consumers, in part, about relevant to Juicy Juice Brain Development and Immunity beverages:

1. What is in NESTLÉ JUICY JUICE BRAIN DEVELOPMENT Fruit Juice Beverage?

NESTLÉ JUICY JUICE BRAIN DEVELOPMENT Fruit Juice Beverage contains DHA, also known as Docosahexaenoic acid, which is an omega-3 fatty acid present in many parts of the body. There are 16 mg of DHA per 4 fl. oz. serving.

2. How much and at what age can I begin serving NESTLÉ JUICY JUICE BRAIN DEVELOPMENT Fruit Juice Beverage to my child?

The best time for your child to start drinking fruit juice beverages is when he or she is ready to start drinking from a cup. This typically

happens around 6 to 8 months of age. While fruit juice beverages can certainly be a part of a healthy and varied diet for your child, the American Academy of Pediatrics (AAP) recommends limiting to 4-6 fl. oz. of fruit juice daily for children ages 1-6. If you are unsure, consult your pediatrician.

3. What is DHA and where does it come from?

Docosahexaenoic Acid (DHA) is a type of Omega-3 fatty acid. It is found naturally in most tissues of the body and accounts for up to 20 percent of total brain mass. The DHA in NESTLÉ **JUICY JUICE BRAIN DEVELOPMENT** Fruit Juice Beverage is derived from highly refined tuna fish oil.

While DHA is naturally found in breast milk, once infants move on to eating more solid foods, primary food sources of DHA include oily fish (like herring, salmon, sardines, rainbow trout, canned tuna), and organ meats. More food products are now being fortified with DHA so that children and adults can benefit from this important nutrient.

4. Why is DHA good for my child?

DHA is a building block for the brain in infants; according to research, DHA may help support early-age brain and eye development.

DHA is naturally found in breast milk, and experts often recommend infant formula fortified with DHA for children who are not breastfeeding. (Kris-Etherton 2007) **JUICY JUICE BRAIN DEVELOPMENT** Fruit Juice Beverage with DHA is a smart choice for parents who are ready to introduce juice beverages into their baby's diet.

5. Is there such a thing as too much DHA?

Adequate intake of alpha-linolenic acid (ALA), the parent compound of docosahexaenoic acid (DHA) for kids ranges from 500 mg per day for infants to 1600 mg per day for teen-aged boys. Because the US population generally consume lower intakes of fish (and hence DHA) compared to populations in some other countries, it is unlikely that one will get too much DHA in the diet.

6. My kids like eating fish. Do they need more DHA?

1 Health authorities recommend eating two to three fish meals weekly for
 2 overall health. For variety in the diet, it may be advantageous to get
 3 DHA from various food sources. **JUICY JUICE BRAIN**
 4 **DEVELOPMENT** Fruit Juice Beverage is a kid-friendly juice beverage
 which provides 16mg of DHA per 4 fl. oz. serving.

5 **7. What is in NESTLÉ JUICY JUICE IMMUNITY Fruit Juice**
 6 **Beverage?**

7 NESTLÉ **JUICY JUICE IMMUNITY** Fruit Juice Beverage contains
 8 Vitamin C and Zinc which are essential for a healthy immune system,
 and Prebiotic Fiber to help maintain a healthy digestive system.

9 **8. How much and at what age can I begin serving NESTLÉ JUICY**
 10 **JUICE IMMUNITY Fruit Juice Beverage to my child?**

11 The best time for your child to start drinking fruit juice beverages is
 12 when he or she is ready to start drinking from a cup. This typically
 13 happens around 6 to 8 months of age. While fruit juice beverages can
 14 certainly be a part of a healthy and varied diet for your child, the
 American Academy of Pediatrics (AAP) recommends limiting to 4-6 fl.
 15 oz. of fruit juice daily for children ages 1-6. If you are unsure, consult
 your pediatrician.

16 **9. What is zinc?**

17 Zinc is an essential mineral that supports a healthy immune system and
 18 promotes the normal growth and development of a child. A serving of
 19 NESTLÉ **JUICY JUICE IMMUNITY** Fruit Juice Beverage contains
 20 10% of the daily value for Zinc.

21 **10. What is prebiotic fiber? Is that the same as probiotics?**

22 Prebiotic fiber is a non-digestible carbohydrate that promotes the growth
 23 of beneficial bacteria (probiotics) that already live in the digestive tract.
 24 By helping the good bacteria flourish, a balanced environment in the
 25 digestive system is achieved and this helps maintain a healthy digestive
 system.

26 **11. What is Gum Acacia and what is the source?**
 27
 28

1 Gum acacia, also called gum arabic, is a type of prebiotic fiber that is
 2 widely used in the food industry as an emulsifier and stabilizer. It is
 3 purified from the resin of Acacia trees in Africa.

4 86. Juicyjuice.com contains a section that offers an “Immunity Quiz” and a
 5 “Brain Development Quiz.” At the close of the immunity quiz, consumers are urged
 6 to:

7 Now, try a delicious way to support a healthy immune system with new
 8 Juicy Juice Immunity Fruit Juice Beverage, containing vitamin C and
 9 Zinc, plus prebiotic fiber for digestive health.

10 87. At the close of the “Brain Development Quiz,” consumers are told that:
 11 Juicy Juice Fruit Juice Beverage with DHA- the best first juice you can
 12 give your baby. Made with natural ingredients and no sugar added,
 13 you’ll be pleased with the nutrients. Your child will love the taste.

14 <http://www.juicyjuice.com/Brain-Development-And-Immunity/FAQs.aspx> (last
 15 accessed, December 10, 2009).

16 88. Defendants utilize a Twitter feed, twitter.com/juicyjuiceusa, into ads
 17 placed in various places on the Internet, particularly websites specifically targeting
 18 mothers such as BabyCenter.com and CafeMom.com. The ads will pose questions
 19 such as “How do you stimulate your child’s mind?” to which mothers – or anyone –
 20 can tweet responses that will show up in the ads.

21 89. Defendants maintain a channel on YouTube,
 22 www.youtube.com/juicyjuice, which contains programs entitled “Early Childhood
 23 Brain Development with Dr. Yinka Davies,” “Healthy Digestion with Dr. Yinka
 24 Davies” and “Five Ways to Boost Immunity with Dr. Yinka Davies,” as well as a
 25 number of games, such as tic tac toe, for children.

26 90. Defendants’ YouTube channel contains the following statement on the
 27 front page:

28 NESTLÉ® JUICY JUICE® is excited to introduce two new products.
 Introducing NEW Juicy Juice Brain Development and Immunity Fruit
 Juice Beverages! For more than 25 years, Juicy Juice has helped parents

1 raise healthy kids by providing them with a wide variety of nutritious
2 and delicious juice options.

3 <http://www.youtube.com/user/juicyjuice> (last accessed, December 10, 2009).

4 91. Defendants represent Dr. Yinka Davies as an “Expert” and state the
5 following about her:

6 We’re here to help by offering engaging, informative and educational
7 videos covering some of the most important topics in child development
8 featuring our noted pediatric expert, Dr. Yinka Davies.

9 An award-winning pediatrician, Dr. Davies practices Pediatric
10 Gastroenterology near Sacramento, CA and she’s a Clinical Adjunct
11 Professor at Stanford University. In addition to her many clinical
12 achievements, she brings the experience of yet another major
13 accomplishment-motherhood.

14 Juicy Juice is very proud to have Dr. Davies as their distinguished
15 expert. So let Dr. Davies share her tips and advice with you!

16 <http://www.juicyjuice.com/Experts/Expert-Videos.aspx> (last accessed, December
17 10, 2009).

18 **Damages to Plaintiff and the Class**

19 92. Defendants’ inaccurate, false, deceptive and misleading advertising,
20 marketing, promotion and labeling, including but not limited to, statements regarding
21 nutrient content health benefits, packaging benefits, and use of expert advice and
22 affirmations, and other such related misconduct alleged herein, directly and
23 proximately caused Plaintiff and the Class to suffer injury and damage to their
24 property. Plaintiff and the Class have suffered financial loss, been deprived of
25 property, and have otherwise been damaged by Defendants’ misconduct. As a result
26 of Defendants’ deceptive marketing scheme, as set forth herein, Plaintiff and the Class
27 were misled into paying more for Juicy Juice Immunity and Juicy Juice Brain
28 Development beverages than they would have but for Defendants’ representations,
resulting in suffering injury in fact and a loss of money or property.

93. Neither Juicy Juice Immunity nor Juicy Juice Brain Development beverages actually provide the immunity and brain development health benefits affirmatively represented to consumers.

94. In fact, Juicy Juice Immunity and Juicy Juice Brain Development beverages actually contain less fruit juice, are no more nutritious and offer no additional health benefits as compared to substantially cheaper Juicy Juice products:

Juicy Juice Harvest Surprise	100% juice	46.0 oz - \$3.29	\$0.07 per oz
Juicy Juice	100% juice	46.0 oz - \$2.59	\$0.06 per oz
Brain Development	70% juice	33.8 oz - \$2.99	\$0.09 per oz
Immunity	70% juice	33.8 oz - \$2.99	\$0.09 per oz

FIRST CLAIM FOR RELIEF
(Violation of California Business & Professions Code
Section 17200 *et seq.* - Unfair Conduct)

95. Plaintiff realleges the preceding paragraphs 1 through 94 as if fully set forth herein and, to the extent necessary, pleads this cause of action in the alternative.

96. Under California Business & Professions Code § 17200, any business act or practice that is unethical, oppressive, unscrupulous and/or substantially injurious to consumers, or that violates a legislatively declared policy, constitutes an unfair business act or practice.

97. Defendants have engaged, and continue to engage, in conduct which is immoral, unethical, oppressive, unscrupulous and/or substantially injurious to consumers. This conduct includes, but is not limited to: (1) representing to consumers that consumption of Juicy Juice Brain Development beverage will provide brain development benefits that it does not; (2) representing to consumers that consumption of Juicy Juice Immunity beverage will provide immune system benefits that it does not; (3) representing to consumers that consumption of Juicy Juice Immunity beverage

1 will provide digestive system benefits that it does not; (4) misrepresenting to
2 consumers that Juicy Juice Immunity and Juicy Juice Brain Development beverages
3 are 100% juice; and (5) misrepresenting to consumers that Juicy Juice Immunity and
4 Juicy Juice Brain Development beverages are packaged in containers that provide
5 superior maintenance of potency. Defendants deceive consumers into purchasing
6 Juicy Juice Immunity and Juicy Juice Brain Development beverages in the mistaken
7 belief that, among other things, the persons consuming these products will realize
8 actual health benefits. Defendants' scheme was and is immoral, unethical, oppressive,
9 unscrupulous and/or substantially injurious to consumers.

10 98. By committing the acts alleged above, Defendants have engaged in unfair
11 business acts and practices which constitute unfair competition within the meaning of
12 California Business & Professions Code § 17200.

13 99. Plaintiff and the Class have all paid money for Juicy Juice Immunity and
14 Juicy Juice Brain Development beverages. However, Plaintiff and the Class did not
15 obtain the full value of the advertised products due to Defendants' misrepresentations
16 regarding the health benefits of said products. Accordingly, Plaintiff and the Class
17 have suffered injury in fact and lost money or property as a result of Defendants' acts
18 of false advertising.

19 100. An action for injunctive relief and restitution is specifically authorized
20 under California Business & Professions Code § 17203.

21 101. Plaintiff has standing to pursue this claim as Plaintiff has suffered injury
22 in fact and has lost money or property as a result of Defendant's actions as set forth
23 above.

24 102. Class members have suffered injury in fact and have lost money or
25 property as a result of Defendant's actions as set forth above.

SECOND CLAIM FOR RELIEF
(Violation of California Business & Professions Code
Section 17200 *et seq.* - Fraudulent Conduct)

103. Plaintiff realleges the preceding paragraphs 1 through 102 as if fully set forth herein and, to the extent necessary, pleads this cause of action in the alternative.

104. Under California Business & Professions Code § 17200, any business act or practice that is likely to deceive members of the public constitutes a fraudulent business act or practice.

105. Defendants have engaged and continue to engage in conduct that is likely to deceive Plaintiff and members of the Class, all of whom are members of the general public. This conduct includes, but is not limited to: (1) representing to consumers that consumption of Juicy Juice Brain Development beverage will provide brain development benefits that it does not; (2) representing to consumers that consumption of Juicy Juice Immunity beverage will provide immune system benefits that it does not; (3) representing to consumers that consumption of Juicy Juice Immunity beverage will provide digestive system benefits that it does not; (4) misrepresenting to consumers that Juicy Juice Immunity and Juicy Juice Brain Development beverages are 100% juice; and (5) misrepresenting to consumers that Juicy Juice Immunity and Juicy Juice Brain Development beverages are packaged in containers that provide superior maintenance of potency. Defendants deceive consumers into purchasing Juicy Juice Immunity and Juicy Juice Brain Development beverages in the mistaken belief that, among other things, the persons consuming these products will realize actual health benefits.

106. The health benefits that were the basis of the misrepresentation of Defendants described herein as especially important to the purchasers of Juicy Juice Immunity and Juicy Juice Brain Development beverages including Plaintiff and the Class.

1 107. By committing the acts alleged above, Defendants have engaged in
2 fraudulent business acts and practices, which constitute unfair competition within the
3 meaning of Business & Professions Code § 17200.

4 108. Plaintiff and the Class have all paid money for Juicy Juice Immunity
5 and/or Juicy Juice Brain Development beverages.

6 109. However, Plaintiff and the Class did not obtain the full value of the
7 advertised Service due to Defendants' misrepresentations regarding the health benefits
8 of said products. Accordingly, Plaintiff and the Class have suffered injury in fact and
9 lost money or property as a result of Defendants' acts of false advertising.

10 110. An action for injunctive relief and restitution is specifically authorized
11 under California Business & Professions Code § 17203.

12 **THIRD CLAIM FOR RELIEF**
13 **(Violation of California Business & Professions**
14 **Code § 17500 *et seq.*)**

15 111. Plaintiff realleges the preceding paragraphs 1 through 110 as if fully set
16 forth herein and, to the extent necessary, pleads this cause of action in the alternative.

17 112. Plaintiff has standing to pursue this claim as Plaintiff has suffered injury
18 in fact and has lost money or property as a result of Defendants' actions as set forth
19 above.

20 113. Class members have suffered injury in fact and have lost money or
21 property as a result of Defendants' actions as set forth above.

22 114. Defendants engaged in advertising and marketing to the public and
23 offered for sale Juicy Juice Immunity and Juicy Juice Brain Development beverages
24 on a nationwide basis, including in California.

25 115. Defendants engaged in the advertising and marketing alleged herein with
26 intent to directly or indirectly induce the sale of Juicy Juice Immunity and Juicy Juice
27 Brain Development beverages to customers like Plaintiff and the Class.
28

1 116. Defendants' advertisements and marketing representations regarding the
2 characteristics of Juicy Juice Immunity and Juicy Juice Brain Development beverages
3 were false, misleading and deceptive as set forth more fully above.

4 117. At the time Defendants made and disseminated the statements alleged
5 herein, Defendants knew, or should have known, that the statements were untrue or
6 misleading, and acted in violation of Cal. Bus. & Prof. Code §17500 *et seq.*

7 118. Plaintiff seeks restitution, injunctive relief, and all other relief allowable
8 under Cal. Bus. & Prof. Code §17500 *et seq.*

9 **FOURTH CLAIM FOR RELIEF**
10 **(Violation of California Civil Code § 1709)**

11 119. Plaintiff realleges the preceding paragraphs 1 through 118 as if fully set
12 forth herein and, to the extent necessary, pleads this cause of action in the alternative.

13 120. Plaintiff has standing to pursue this claim as Plaintiff has suffered injury
14 in fact and has lost money or property as a result of Defendants' actions as set forth
15 above.

16 121. Class members have suffered injury in fact and have lost money or
17 property as a result of Defendants' actions as set forth above.

18 122. As set forth in detail above, Defendants produce, manufacture, advertise,
19 package, label, distribute and sell Juicy Juice Immunity and Juicy Juice Brain
20 Development beverages as having special benefits associated with inclusion of DHA,
21 vitamin C, zinc and prebiotic fiber, when, in fact, neither beverage contained
22 sufficient amounts of said nutrients to substantiate the health claims Defendants
23 associated with Juicy Juice Immunity and Juicy Juice Brain Development beverages,
24 and other companies produce and sell equally or more nutritious juice beverages for
25 less cost.

26 123. Defendants falsely, deceptively and misleadingly promote and advertise
27 Juicy Juice Immunity and Juicy Juice Brain Development beverages under its 100%
28

1 juice product line, Juicy Juice, despite the fact that neither beverage contains 100%
2 fruit juice.

3 124. Defendants falsely, deceptively and misleadingly, promote and advertise
4 the packaging of the Juicy Juice Immunity and Juicy Juice Brain Development
5 beverages as having superior nutrient retaining capabilities.

6 125. Defendants, through alleged false, deceptive and misleading advertising,
7 marketing, labeling and other promotion of Juicy Juice Immunity and Juicy Juice
8 Brain Development beverages herein, are making uniform representations and
9 omissions that Defendants are under a duty to disclose based on Defendants' other
10 statements of material fact regarding their products.

11 126. Defendants engaged in such acts either knowing or reasonably or
12 recklessly disregarding the fact such acts and omissions were, and are, in fact, false or
13 misleading.

14 127. The misrepresentations described herein, false and/or deceptive acts and
15 omissions involve material facts in that they were a substantial factor in the decisions
16 made by Plaintiff and members of the Class to purchase Juicy Juice Immunity and
17 Juicy Juice Brain Development beverages. Specifically, Plaintiff and the other
18 members of the Class reasonably relied on misrepresentations including, but not
19 limited to, the representations that the products provided important health benefits,
20 were nutritionally superior to alternative juice drinks, and were packaged in a manner
21 that better prevented nutrient depletion as compared to other juice packaging.

22 128. Plaintiff and other members of Class would have acted differently had
23 they not been misled in that they would not have paid the full amount of money that
24 they did for Juicy Juice Immunity and Juicy Juice Brain Development beverages, or
25 even purchased Juicy Juice Immunity and Juicy Juice Brain Development beverages
26 at all, had the full facts been disclosed.

27 129. Defendants had and have a duty to correct the misinformation Defendants
28 disseminated through advertising, marketing and other promotion of Juicy Juice

1 Immunity and Juicy Juice Brain Development beverages based on their other
2 statements of material fact detailed above. By not informing Plaintiff and other
3 members of the Class, Defendants breached this duty.

4 130. Defendants intended to induce Plaintiff and other members of the Class
5 to alter their position to their detriment, and they in fact did so, based on such
6 statements.

7 131. Plaintiff and members of the Class had a reasonable expectation that the
8 Juicy Juice Immunity and Juicy Juice Brain Development beverages they were
9 purchasing were accurately advertised, labeled, marketed and promoted and, as such,
10 provided the health benefits and other such benefits Defendants claimed.

11 132. Plaintiff and members of the Class were damaged by Defendants, as they
12 justifiably and reasonably relied on Defendants' misrepresentations.

13 133. As a result of Defendants' deceit, misrepresentations and/or omissions,
14 Plaintiff and other members of the Class have suffered damages in an amount equal to
15 the amount they paid for Juicy Juice Immunity and Juicy Juice Brain Development
16 beverages or the inflated prices they paid. The exact amount of these damages will be
17 proven at trial.

18 134. Based on the facts detailed above, Defendants acted with intent to
19 deceive, or with reckless or negligent disregard of the rights of Plaintiff and other
20 members of the Class, thereby acting with oppression, fraud or malice. Plaintiff and
21 the Class members are therefore also entitled to punitive damages

22 **FIFTH CLAIM FOR RELIEF**
23 **(Violation of California Business & Professions**
24 **Code § 17200 *et seq.* - Unlawful Conduct)**

25 135. Plaintiff realleges the preceding paragraphs 1 through 134 as if fully set
26 forth herein and, to the extent necessary, pleads this cause of action in the alternative.

27 136. The violation of any law constitutes an unlawful business practice under
28 California Business & Professions Code § 17200.

1 E. For declaratory and injunctive relief pursuant to, without limitation,
2 California Business & Professions Code §§17200 *et seq.* and 17500 *et seq.* and Code
3 of Civil Procedure §1060;

4 F. For the violation of Civil Code §1709 only, an award of compensatory
5 and exemplary damages, the amount of which is to be determined at trial;

6 G. That Plaintiff and the Class members be awarded restitution, including
7 disgorgement of profits obtained by Defendants as a result of their acts of unfair,
8 unlawful or deceptive practices and acts of unjust enrichment and breach of the
9 covenant of good faith and fair dealing;

10 H. That Plaintiff and the Class members be awarded both pre-and post-
11 judgment interest at the maximum allowable rate on any amounts awarded;

12 I. That Plaintiff and the Class members recover their costs of suit, including
13 reasonable attorneys' fees as provided by law; and


14 J. That Plaintiff and the Class members be awarded such other and further
15 relief as may be necessary and appropriate.

16 **JURY DEMAND**

17 Pursuant to Rule 38 of the Federal Rules of Civil Procedure and the
18 Constitution of the United States, Plaintiff and the Class members demand a trial by
19 jury for all issues so triable.

20 Dated: December 15, 2009

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21 
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UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself ☐)
MAURICIO CHAVEZ

DEFENDANTS
NESTLE USA, INC.

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Christopher M. Burke, Scott+Scott LLP, 6424 Santa Monica Blvd., Los Angeles, CA 90038, 213/985-1274

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
 (Place an X in one box for plaintiff and one for defendant.)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. ORIGIN (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☒ Yes ☐ No

MONEY DEMANDED IN COMPLAINT: \$

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 28 U.S.C. §1332 (d) Plaintiff is a citizen of a state different than defendant

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 Habeas Corpus	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 600 Agriculture	<input type="checkbox"/> 820 Copyright
<input type="checkbox"/> 490 Cable/Sat. TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 861 HIA (1293ff)
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 862 Black Lung (923)
<input checked="" type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 650 Airline Rugs	<input type="checkbox"/> 863 DTWC/DIWW (405(g))
<input type="checkbox"/> 891 Agricultural Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 463 Habeas Corpus-Alien Detainee		<input type="checkbox"/> 690 Other	<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 465 Other Immigration Actions			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 240 Torts to Land				<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 245 Tort Product Liability				
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 290 All Other Real Property				
<input type="checkbox"/> 950 Constitutionality of State Statutes					

CV09-9192

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	San Diego County

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____

Date

12/19/09

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

Name & Address:

Christopher M. Burke (Cal. Bar #214799)
 SCOTT+SCOTT LLP
 6424 Santa Monica Blvd.
 Los Angeles, CA 90038
 213/985-1274

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

MAURICIO CHAVEZ, Individually and on Behalf of
 All Others Similarly Situated,

PLAINTIFF(S)

v.

NESTLE USA, Inc., a Delaware Corporation and
 DOES 1 through 100,

DEFENDANT(S).

CASE NUMBER

CV09-9192 ROWL

(CMA)

SUMMONS

TO: DEFENDANT(S): NESTLE USA, Inc.

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Christopher M. Burke, whose address is 6424 Santa Monica Blvd., Los Angeles, CA 90038. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: 15 DEC 2009

By:

SHEA BOURGEOIS

Deputy Clerk

SEAL

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3).]

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Ronald S. W. Lew and the assigned discovery Magistrate Judge is Carla Woehrle.

The case number on all documents filed with the Court should read as follows:

CV09- 9192 RSWL (CWx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

===== :
NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.